

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PASTOR NESTOR VICTOR, individually and on  
behalf of all others similarly situated,

Plaintiff,

-v-

SAM'S DELI GROCERY CORP d/b/a SAM'S DELI, et  
al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 2965 (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On April 18, 2022, Plaintiff Pastor Nestor Victor filed a motion for default judgment against Defendants Sam's Deli Grocery Corp. (d/b/a Sam's Deli) and Walid Mohamed Siedi (collectively, the "Defendants"). Plaintiff seeks *inter alia* a judgment in the amount of \$172,897.75 against the Defendants, for failure to pay the minimum wage, overtime compensation, plus statutory damages, and liquidated damages. Plaintiff further seeks attorneys' fees and costs in the amount of \$16,722.40.

Accordingly, it is hereby **ORDERED** that Defendants shall submit their response, if any, to Plaintiff's Motion, no later than **Wednesday, May 20, 2022**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S MOTION, OR (2) FAIL TO CONTACT MY CHAMBERS BY MAY 20, 2022 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION AND DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis

for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and to file proof of service by no later than **Friday, April 22, 2022.**

Dated: New York, New York  
April 19, 2022

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge